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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
defendant

v.

APPLE INC.,

Defendant,
Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION TO SEAL
OBJECTIONS TO EXPERT TESTIMONY**

1 Pursuant to Civil Local Rule 79-5, I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for
4 Defendant Apple Inc. (“Apple”) in this case. I have personal knowledge of the facts stated below and,
5 if called as a witness, I could and would testify competently thereto.

6 2. I submit this declaration pursuant to Local Rules 79-5(d)–(e) in support of Apple’s
7 Administrative Motion to Seal Objections to Expert Testimony.

8 3. Epic Games, Inc. (“Epic”) has designated the deposition testimony of Dr. Susan Athey
9 has “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

10 4. Certain excerpts from Dr. Athey’s testimony are quoted in Apple’s Objections to Expert
11 Testimony and are included as exhibits.

12 5. Apple is filing a provisional motion to seal the agreement so that Epic may submit a
13 declaration in support of sealing, should it choose to do so.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is true
15 and correct and that this Declaration was executed on April 28, 2021 at Oakland, California.

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17 /s/ Mark A. Perry
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